

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT COLUMBUS**

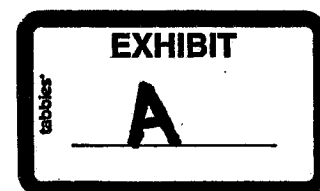
GARY E. LINDSAY, Regional Director	:	
Of the Ninth Region of the National Labor	:	
Relations Board, for and on behalf of the	:	Civil Action No.: 2:18-cv-1165
National Labor Relations Board	:	
	:	Judge James L. Graham
Petitioner,	:	
	:	
v.	:	
	:	
SHAMROCK CARTAGE, INC.	:	
	:	
Respondent.	:	

AFFIDAVIT OF BRIAN WILLIAMSON

STATE OF OHIO)
 SS:
COUNTY OF FRANKLIN)

COMES NOW Affiant, Brian Williamson, and after being duly sworn and cautioned, deposes and states as follows:

1. My name is Brian Williamson. I am over the age of 18, and I have personal knowledge of the facts contained herein. I currently serve as Site Manager for Shamrock Cartage, Inc.'s ("Shamrock") Ohio operations. I have worked at the DHL/Kraft Foods facility since 2014 and was retained by Shamrock when they took over the contract on April 10, 2017. I started out as a driver/spotter and was promoted to Site Supervisor in March of 2018.
2. Shamrock was formed by Dan O'Brien and Matt Harper in 1995. Shamrock is a yard management company assisting warehouses across the country with their yard management solutions. This includes spotting and transfer services.
3. Shane Smith ("Smith") was hired by Shamrock on April 10, 2017 and assigned to the Kraft/DHL facility.
4. In March of 2018 Smith told Chuck Armentrout, another spotter, that he could not take lunch that particular day because he was working too slowly. Fortunately, Chuck ignored Smith, took his lunch, and reported the incident to me as the new



Supervisor. I gave Smith a verbal warning and told him that he could not dictate work or take away another employee's lunch break, which is illegal. Smith replied, "He's fucking slow and he's the first one to go when the negotiations are said and done."

5. The following week, Galen Hammond, a new employee, quit on his first day of work after being intimidated by Smith. Smith informed Hammond that he was the Union steward and that Hammond would have to purchase a smart phone. Smith threatened Hammond by stating that if Hammond did not purchase a smart phone, he would not be permitted to drive certain trucks and would have his daily duties dictated to him and he would be given all of the "shitty moves no one else wants." Hammond told me of all of this. I informed Hammond that he did not have to purchase a smart phone and that we would either put him in a truck with a computer or would convey the moves in another way. According to Hammond, each time he passed Smith's truck Smith would hold up his smart phone and grin at him. I addressed the complaint and issues with Smith, gave him another verbal warning, and told him he could not force an employee to purchase a smartphone out of pocket and threaten Hammond with "or else." Smith just grinned at me. Due to the intimidation and dysfunctional workplace environment created by Smith, Hammond quit within two and a half hours of his first day, stating "This place isn't for me."
6. Apparently, because Smith considered himself the "Union steward" he felt he could direct the actions and discipline of other employees. Smith was not a supervisor and had no authority to dictate when or if another employee gets to eat lunch or if another employee had to purchase expensive items such as a smart phone. These matters were immediately brought to the attention of the Union by Michael Holmes. This was the second warning I gave Smith in March of 2018.
7. I never threatened any employee with more onerous working conditions due to their Union activity or efforts. More specifically, I never threatened Smith with sticking him with "all of the bad employees." I recall the conversation at issue well. Smith and I were discussing several poor performing employees. One employee specifically was from Shamrock's Pepsi/Ryder operations. That employee was still a trainee and had only been with the company for 2-3 days. He worked the night shift. At 12:30 a.m. on March 27, 2018 I received a phone call from Pepsi/Ryder's nightshift warehouse manager telling me they wanted this employee off of the property because of a verbal confrontation in which the employee said to the Pepsi/Ryder manager, "Fuck you, you little bitch." This employee was ultimately terminated when, during my counseling of him for his behavior, he replied, "You know what? You're a dick and you can shove that job up your ass!" and subsequently hung up on me. (See Shamrock Incident Report, attached hereto as **Exhibit "1"**).

The employee grieved to the Union, who ultimately sided with the decision to terminate him. Smith asked me, "Since Pepsi doesn't want him, why don't you just assign him here at Kraft?" I told Smith that we could not have employees like that jeopardizing our relationships with our customers. I sarcastically asked Smith if he

really wanted bad employees to simply be re-assigned to Kraft/DHL location with him because they could not get along at their original assignments. The question was rhetorical and he knew it. I did not threaten him with bad employees/co-workers, I was pointing out that his solution (assigning bad/trouble employees to Kraft/DHL) was a bad one.

I do not recall ever having a conversation with Smith regarding former employee Shane Morris ("Morris"). Near the end of Morris' employment he did begin missing shifts, or "no-call-no-show." Morris also made innocent mistakes like failing to fully latch a trailer door, which happens to everyone. However, I did not terminate Morris because these were innocent mistakes and did not jeopardize our (Shamrock's) relationship with our customers. Eventually, Morris just stopped showing up to work.

I never mentioned discipline, progressive discipline, or negotiations. I was not typically updated on the progress of negotiations. When I became a supervisor Smith stopped updating me on negotiations and I did not ask.

8. On April 9, 2018, Smith contacted, without authorization from myself or Shamrock management, PINC Solutions ("PINC") as to purchase orders and parts replacements. This is outside of Smith's job descriptions, duties, and responsibility. PINC is a provider of advanced yard management, finished vehicles logistics solutions, and inventory robotics solutions to the world's leading brands and shipping companies. PINC provides computers and tracking software to the DHL/Kraft facility. Shamrock drivers are permitted to contact low level PINC technical support in order to troubleshoot issues with their specific computers. The number for PINC technical support is on the computer in the truck, and Smith got the number off of two computers, as they become worn down or get scratched off. (See **Exhibit "2"**).

However, Smith took it upon himself to personally contact PINC in an attempt to request information in regard to a purchase order from PINC in relation to an issue with the current system within a Shamrock truck. This resulted in Mr. Jerry Craft ("Craft"), the Supply Chain Manager at PINC, contacting Shamrock, DHL, and Kraft, by email stating that Smith contacted him asking who was responsible for a purchase order. (See **Exhibit "3"**). Smith was not, and had never been, authorized to contact any of Shamrock or DHL's suppliers above basic tech support. However, his contacting PINC resulted in a purchase order of \$3,279.93 being generated and/or resent to numerous Shamrock, DHL, and Kraft managers.

Shamrock, DHL, and Kraft were all aware that the subject computer/parts were broken and PINC was in the process of preparing and sending replacements. Shamrock and DHL had been working on the issue for two months prior to Smith's unauthorized call to PINC. As an experienced spotter and employee of Shamrock, I never instructed Smith to call PINC. I never instructed Smith to "handle the issue himself." I do not even deal with purchase orders for this type of equipment, which are typically sent directly to my bosses.

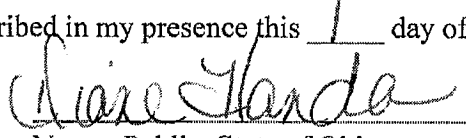
Smith's actions caused a substantial disturbance with Shamrock's large customer, DHL. DHL's General Manager Joe Hunt found the situation troubling and was concerned over the behavior of a Shamrock employee. In fact, a confused Hunt asked me, "What is happening? I thought we were all on the same page here? I thought we had this figured out and a plan agreed to weeks ago?" I subsequently spent a substantial amount of time on the phone with PINC, DHL, and Kraft personnel explaining what happened and apologizing on behalf of Shamrock. Put simply, Smith's continued behavior and repeated disregard for others jeopardized Shamrock's relationship with a very important customer, and Shamrock management, at my urging, made the decision to suspend him, with pay, pending an internal investigation. Our labor representative Mike Holmes (attending by telephone) and I met with Smith the same day to notify him that he was suspended with pay pending an investigation. Smith responded, **"Is this about earlier? Who is telling you to do this? I have a right to know! You ratted me out! I will be back with pay and when I am back you're DONE! Who are they going to believe, me or you? I have representation, you don't!"** (See Shamrock Cartage, Inc. Incident Report, attached hereto as Exhibit "4"). I personally had significant concerns regarding Smith based on his behavior and warnings in March of 2018 and this interference with one of our biggest clients. I also knew his prior behavior intimidating and cussing out other employees, like Lisa Clarkson. It was upon my request that Smith be terminated for his behavior, and I alerted Shamrock ownership of this and asked if it were okay if I terminate him. Shamrock ownership asked me to suspend him with pay pending an investigation.

9. Nobody from the National Labor Relations Board interviewed me or took my statement regarding this matter.
10. Shamrock experiences high turnover in this line of work, and workers come and go frequently.
11. Shane Smith was not well liked by his fellow employees and was a known bully. Smith would threaten other employees by saying, "When the Union contract is done, you're the first to go!" I have not seen or observed any adverse effect on the other employees due his termination and, in fact, it appears the employees are happier.
12. We are currently running with a full crew.

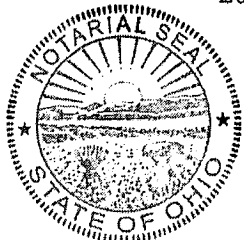
FURTHER AFFIANT SAYETH NAUGHT


Brian Williamson

Sworn to me and subscribed in my presence this 1 day of November, 2018.


Notary Public, State of Ohio

Diane Handa
Notary Public, State of Ohio
My Commission Expires 12-22-2020



SHAMROCK CARTAGE INC. INCIDENT REPORT

EMPLOYEE NAME: Sean Soward

DATE: 3/26/18 Night Shift

~~CAUSE:~~ New Hire in Training

INCIDENT: Warehouse Manager wanting a new
Spotter, And the Spotter he has now, off
the property. Ryder (Pepsi)

DESCRIPTION: Todd Hamilton calls me at 12:30 am
On the morning of 3/27/18. Shift started at
7pm of the evening of 3/26/18. Mr. Hamilton stated
to me that he would like a new spotter and wants
Mr. Soward off the property. When i asked do we
have a problem with the spotter you have now.
He answered with a "Yes we do, he told me Fuck
You, You little Bitch. So right away I removed
Mr. Soward from the property, And replaced him
with John Ross. Mr. Soward finished his shift
at the Kraft facility. (20 minutes waiting See page 2
on Mr. Ross to relieve Mr. Soward)

SUPERVISOR
SIGNATURE: _____

Mr. Soward
i
I talk!



When asking Mr. Soward what happened at the work site.

It was about 12:40 am 5/27/18.

When I asked Mr. Soward what happened over there. His response was, "What are you talking about"? I responded Its 1am in the morning and I just got off the phone with the pepsi manager on duty. Then he replies with, "He called you? Oh it was nothing." I replied with, Did you drop F-bombs at him? He replied with He called me a dummy. So I asked again, what exactly happen? Mr. Soward explains this was all over a lock on the trailer. Warehouse asks if theres a lock on that specific trailer he's moving. Soward is thinking its a Glad Hand lock, And responds why would there be a lock on it, Im moving it, there is no lock.

~~Manager~~ ^{Manager} Todd H. meets the Spotter at the door he's delivering to. They both meet behind the trailer at the trailer door. And theres a lock on the trailer door. According to Mr. Soward words where exchanged He was called a dummy and the manager was called a little bitch. According to Todd Hamilton (Manager)

He was told Fuck You! You little Bitch!

other way I cant have my Spotters, Talking [3

our Clients Dropping F-Bombs and using profanity towards our Client, on a one and one altercation. So I explained to Mr. Soward what if he answered you, With a Who are you calling a little bitch, He didnt have an answer. I said you probaly would of had a physical fight out on the lot. Pepsi is our client if you are in that situation handle it like Aw Man that wasnt called for. (trying to give him Scenerio's on how to handle objectives) And then bring it to my attention and I will handle the manager with his superiors. Then i continue to tell Mr. Soward that John Ross is coming to relieve you and your gonna go over to Kraft. This is where Mr. Soward began to get upset On "why do I have to leave." I explained the manager wants you off the property and is requesting a new Spotter. He answered with, This is Bull Shit! I did nothing wrong I tried explaining the Importance and Value of Our customers (Client) he wasn't hearing it, Or Understanding that Pepsi (Ryder) is Our customer. Conversation Over Ross Replaced Soward. Soward finished his shift at Kraft.

Soward has the next two days off

4

3/27 & 3/28.

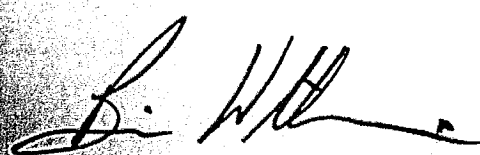
On 3/28 I called Mr. Soward and reminded him, he is only on day 3 and your still in the training stages of our Columbus Facilities,

I cant have you dropping profanity towards our clients. The customer service is what we strive on, to hold on to our customers for longer business. Before I could finish Soward cuts me off, And responds with

"You Know What" YouKnowWhat your a dick and you can shove that job up your ass!

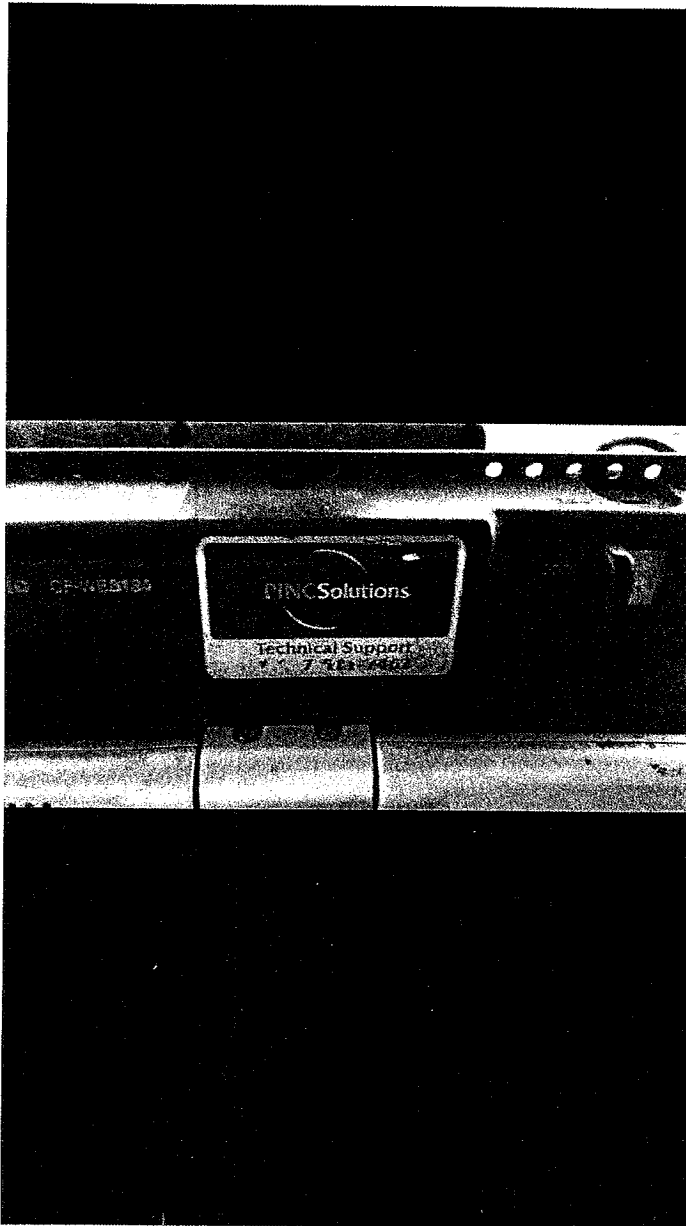
And hung up on me... 20 minutes later Soward calls me back, I didnt answer He was hostile.

Brian Williamson

 3/28/18

5/22/2018

Screenshot_20180522-120559.png



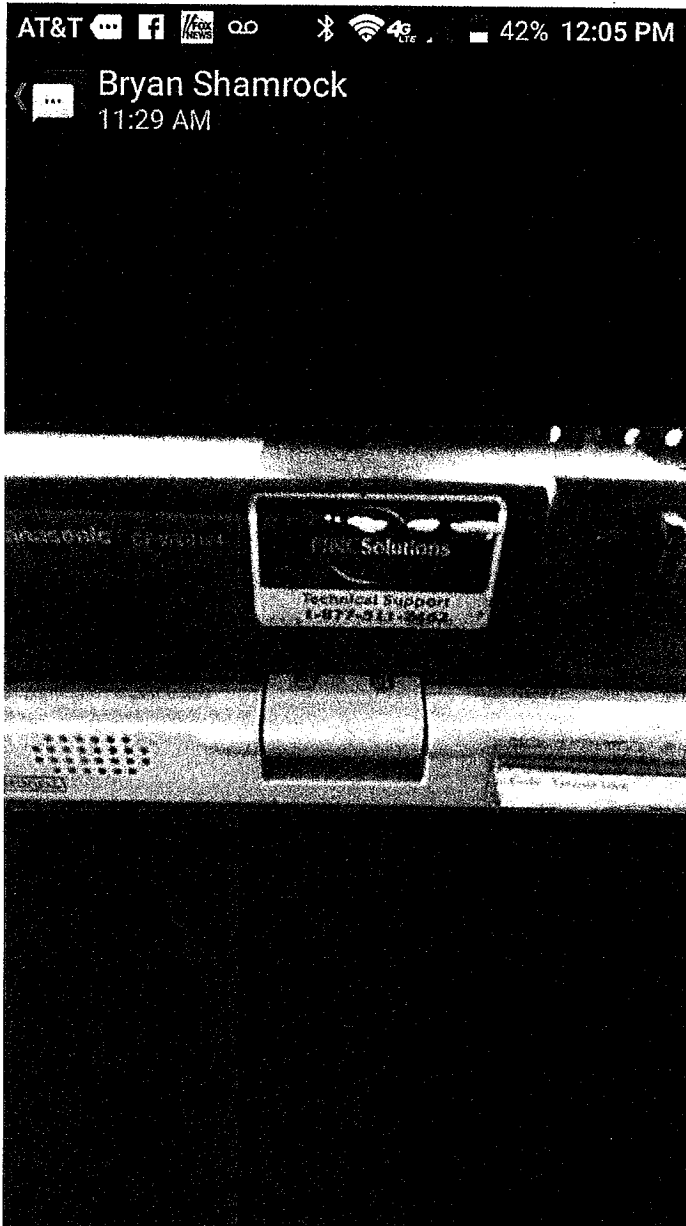
EMPLOYER'S EXHIBIT

1



5/22/2018

Screenshot_20180522-120605.png



EMPLOYER'S EXHIBIT
2

5/21/2018

IMG_0203.PNG

TFW LTE

3:18 PM



< Inbox

9 Messages

KFT-COL Case#8394 Quote

**Jerry Craft**

1:57 PM



To: Joe & 5 more...

Details

Good Afternoon Joe and Brian,

Driver Shane called in on another request, but asked about this quote. Is the purchase order coming from Kraft or directly from you?

Jerry Craft | Supply Chain Manager | **PINC**

32980 Alvarado-Niles Road #820,
Union City, CA 94587 USA

Mobile: +1 (510) 468-7090, Office +1
(510) 474-7521

jcraft@pinc.com | www.pinc.com

Logistics Viewpoints selects PINC as one
of the TOP 10 Stories of 2016

Please consider the environment before
printing this email



EMPLOYER'S EXHIBIT

3

EXHIBIT

3

5/21/2018

IMG_0204.PNG

TFW LTE

3:19 PM



< Inbox

9 Messages

KFT-COL Case#8394 Quote

**Joe Hunt**

2:00 PM



To: Jerry & 5 more...

Details

Kraft will be providing the PO.

You already have Nick in copy who should be able to update you on that.

Joe

Joe Hunt

General Manager
Consumer

DHL Supply Chain
2842 Spiegel Dr
Groveport, OH 43125



5/21/2018

IMG_0202.PNG

TFW LTE

3:18 PM



Done Quote KFT-COL Case#...



PINC Solutions
32980 Alvarado-Niles Road
Suite 820
Union City, CA 94587

Customer Quote

Date	Quote #
2/15/2018	1620

EMPLOYER'S EXHIBIT

4

Name / Address	Ship To
DHL CC 1885 Attn: Accounts Payable PO Box 1590 Westerville, OH 43086	DHL Supply Chain Kraft Foods - Columbus 2642 Sprigal Drive Graveyard, OH 43125-0012

Item	Description	Qty	UOM	Rate	Total
300-200	Lead PDU x 1.0 PDU 75-1617	1	ea	995.00	995.00
200-240	Mesaesa PDU500 RPTD Breaker 4 PORT	1	ea	1,995.00	1,995.00
400-210	Optima T2 Mounting Bracket	1	ea	\$2.53	\$2.53
800-210-2	T2 Mounting Plate 02 R-1.0	1	ea	30.90	30.90
700-002	16 Inch Power Input Cable	1	ea	43.10	43.10
700-038	Power Output Motorola reader 18 Inch	1	ea	50.30	50.30
700-603	CHLOP-P83064 power out to Toughbook	1	ea	73.20	73.20
	(Lead CHLOP-P83064 power out to Toughbook				
	(Lead PDU) PDU115.3				
Shipping & Hbn...	Shipping & Handling (Actual will be billed)	1	ea	40.00	40.00
				Subtotal	USD 1,279.91
				Sales Tax (0.0%)	USD 0.00
				Total	USD 1,279.91



EMPLOYER'S EXHIBIT

5

SHAMROCK CARTAGE INC. INCIDENT REPORT

EMPLOYEE NAME: Shane Smith

DATE: 4/9/2018

CALL OFF: _____

INCIDENT: Suspension

DESCRIPTION: After I told Mr. Smith
he is suspended & pending termination.
And I need him to grab his belongings
And leave the property. He stated, "You ratted
me out, I'll be back with pay, and when I
get back your done"

Note: This just adds to more intimidation from
Mr. Smith. Less than a month ago, He intimidated
New Hire Galen Hammond on purchasing a smart phone
or else.

SUPERVISOR
SIGNATURE: [Signature]

EXHIBIT

4

5/21/2018

IMG_0205.PNG

TFW LTE

4:19 PM



Done

4 of 7

Shamrock Cartage Inc.

Today April 9 2018, one of my employees Shane Smith, took it upon himself to contact PING SOLUTIONS. PING SOLUTIONS is a program we use installed in the trucks to operate our daily tasks. Shamrock and DHL are aware of this situation for over a month now. PING, DHL, Shamrock Cartage Inc. have been corresponding thru emails. And PING SOLUTIONS are aware per Joe Hunt (the general manager at DHL. That DHL and Shamrock Cartage Inc. is not responsible for the purchase order of the repairs needed in truck # 261. Kraft Foods is responsible for this purchase order and this has been pending for over a month. Mr Smith took it upon himself to contact PING SOLUTIONS with requests of the purchase order. Is the purchase order coming from Kraft or directly from myself meaning Shamrock Cartage Inc. Jerry Craft Supply Chain Manager at PING SOLUTIONS emails me stating that driver Shane called wanting to know who is responsible for this purchase order. See attachments.

I told Mr. Smith he is not allowed to contact any of Shamrock Cartage INC. or DHL logistics suppliers. This resulted in PING SOLUTIONS emailing me (Shamrock Cartage Inc.) a customer quote of \$3,279.93.

Sincerely,

Brian Williamson

Site Supervisor

EMPLOYER'S EXHIBIT**6**